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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 GABRIEL JURADO,

10 Plaintiff,

11 v.

12 DAVE WALLS, *et al.*,

13 Defendants.

Case No. 3:16-cv-00552-MMD-VPC

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge Valerie P. Cooke (ECF No. 14) ("R&R"). Plaintiff was allowed until December 14,
16 2017, to file an objection. To date, no objection to the R&R has been filed.

17 This Court "may accept, reject, or modify, in whole or in part, the findings or
18 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
19 timely objects to a magistrate judge's report and recommendation, then the court is
20 required to "make a *de novo* determination of those portions of the [report and
21 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
22 to object, however, the court is not required to conduct "any review at all . . . of any issue
23 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
24 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
25 magistrate judge's report and recommendation where no objections have been filed. See
26 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
27 of review employed by the district court when reviewing a report and recommendation to
28 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,

1 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
2 view that district courts are not required to review "any issue that is not the subject of an
3 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
4 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
5 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
6 which no objection was filed).


7 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
8 determine whether to adopt Magistrate Judge Cooke's R&R. The R&R recommends that
9 this action be dismissed with prejudice based upon Plaintiff's failure to file an amended
10 complaint that remedies the defects identified in the Court's order. After reviewing the
11 filings, the Court agrees with the Magistrate Judge's recommendation.

12 It is therefore ordered, adjudged and decreed that the Report and
13 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No.14) is accepted and
14 adopted in its entirety.

15 It is ordered that the that this action is dismissed with prejudice based on plaintiff's
16 failure to file an amended complaint in compliance with the court's screening order (ECF
17 No. 12).

18 It is further ordered that the Clerk enter judgment accordingly and close this case.

19 DATED THIS 8th day of January 2018.

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22 _____
23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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